

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 19-cr-00259-BMC-VMS-1
:
- versus - : U.S. Courthouse
: Brooklyn, New York
:
JAHMEEK HUDSON, : October 1, 2019
Defendant : 11:45 AM
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government:

Richard P. Donoghue, Esq.
United States Attorney

BY: **James McDonald, Esq.**
Assistant U.S. Attorney
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant:

Florian Miedel, Esq.
Miedel & Mysliwiec, LLP
80 Broad Street
Suite 1900
New York, NY 10004

Transcription Service:

Transcriptions Plus II, Inc.
61 Beatrice Ave.
West Islip, New York 11795
laferrara44@gmail.com

Proceedings recorded by electronic sound-recording,
transcript produced by transcription service

Proceedings

1 THE CLERK: Criminal Cause for a Change of
2 Guilty Plea, case number 19-cr-259, United States v.
3 Jahmeek Hudson.

4 Counsel, can you state your name for the
5 record.

6 MR. MCDONALD: Good morning, your Honor.
7 James McDonald on behalf of the United States.

8 THE COURT: Good morning.

9 MR. Miedel: Good morning, your Honor.
10 Florian Miedel for Mr. Hudson.

11 THE COURT: Good morning. All right. And
12 that's Mr. Hudson next to you?

13 MR. MIEDEL: Yes.

14 THE COURT: All right. Let's just talk about
15 one procedural point before we get going here, so having
16 read the documents, there's a Doe party here. How do you
17 propose that purpose be addressed in this proceeding?

18 MR. MCDONALD: I think it's appropriate to
19 refer to the person as Jane Doe. I think we all know who
20 the person is.

21 THE COURT: You --

22 MR. MCDONALD: So I don't think there's any
23 ambiguity, as long as Mr. Miedel agrees.

24 MR. MIEDEL: That's correct.

25 THE COURT: All right. So I don't know who

Proceedings

1 that person is, so we will confirm that issue, when we
2 get to it. Okay.

3 So in terms of the paperwork, what I have been
4 told is this is a change of plea hearing, but there's no
5 plea agreement.

6 Is that right?

7 MR. MCDONALD: That's correct, your Honor.

8 MR. MIEDEL: Correct.

9 THE COURT: Okay. So what I have is from the
10 government, a plea penalty sheet, which I had requested.
11 So defendant's counsel, have you seen that?

12 MR. MIEDEL: Yes, I have.

13 THE COURT: And any comments on it?

14 MR. MIEDEL: No.

15 THE COURT: Okay. Do you agree it's correct?

16 MR. MIEDEL: It is.

17 THE COURT: Okay. I also have an element
18 sheet, which the government also provided. So
19 defendant's counsel, have you seen this?

20 MR. MIEDEL: Yes, I have.

21 THE COURT: And do you agree that the
22 statements in it are correct?

23 MR. MIEDEL: Yes.

24 THE COURT: Okay. I also have a copy of the
25 indictment, and I have the consent to have a plea taken

Proceedings

1 before me.

2 All right. Is there any other paperwork I
3 should have before we get going here?

4 MR. MCDONALD: No, your Honor.

5 MR. MIEDEL: No, your Honor.

6 THE COURT: Okay. All right. So starting with
7 the government, are there any victims of the offenses,
8 and if so, has the government fulfilled its obligation to
9 notify them of today's hearing, and their right to be
10 heard?

11 MR. MCDONALD: Yes, your Honor. We have
12 fulfilled our obligations.

13 THE COURT: And the victims would be the Jane
14 Doe?

15 MR. MCDONALD: The Jane Doe.

16 THE COURT: Okay. So you've notified Jane Doe
17 of her right to attend the hearing and be heard? Is that
18 right?

19 MR. MCDONALD: She has been notified by our
20 Victim Notification Office. Beyond that, I -- the
21 specifics of whether or not she's been notified that she
22 has the right to be heard, I assume that's taken care of
23 by victim notification services.

24 THE COURT: All right. Is that the usual
25 practice of your office --

Proceedings

1 MR. MCDONALD: Yes, your Honor.

2 THE COURT: -- to notify victims --

3 MR. MCDONALD: It is.

4 THE COURT: -- that they have the right to
5 attend and be heard?

6 MR. MCDONALD: Yes.

7 THE COURT: Is there any reason to think this
8 was handled in any other way than the usual course of
9 business?

10 MR. MCDONALD: No.

11 THE COURT: Okay. All right. So Mr. Hudson,
12 we're going to start by administering an oath to you. So
13 I am going to ask my deputy to administer the oath. So
14 if you could stand.

15 THE CLERK: And can you raise your right hand.

16 J A H M E E K H U D S O N ,

17 having been first duly sworn, was examined and
18 testified as follows:

19 THE CLERK: Thank you. You can have a seat.

20 THE COURT: All right. So you have two
21 microphones on that table. If you would like, you can
22 pull the second one closer to you, and then you and your
23 counsel will each have a microphone.

24 All right, so Mr. Hudson, as you may know, this
25 case has been assigned to a district judge, Judge Cogan.

Proceedings

1 He's the judge who will make the ultimate decision as to
2 whether to accept your guilty plea. And if he does
3 accept your guilty plea, to sentence you. You have the
4 absolute right to have the district judge, Judge Cogan
5 listen to your plea without any prejudice to you.

6 Do you understand?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: So what's been proposed is rather
9 than doing this part of the proceeding before Judge
10 Cogan, that we'll proceed before me. I assume you know
11 who I am, but just for the record, it's Vera Scanlon.
12 I'm a magistrate judge here in this court.

13 So what would happen is if you decide to go
14 ahead with this change of plea hearing before me is that
15 we're making a recording, so that's why I asked you each
16 to have a microphone in front of you. And a transcript
17 of the recording of today's proceeding will be prepared
18 by a court reporter. That transcript will be provided to
19 the district judge, and Judge Cogan will review the
20 transcript of today's proceeding in connection with
21 deciding whether to accept your plea, and if he does,
22 with your sentence.

23 So, do you understand that process?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you wish to give up your right

Proceedings

1 to have Judge Cogan listen to your plea and proceed
2 instead before me today?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: All right. In connection with your
5 exercise of the right to waive having Judge Cogan hear
6 your plea, and instead proceed before me, I have this
7 form, which I am holding up.

8 Have you seen the form?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Did you read it?

11 THE DEFENDANT: And I signed it.

12 THE COURT: Okay, first did you read it?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Do you understand it?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And did you have a sufficient
17 opportunity to review it with your attorney?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And then you said you signed it.
20 Let me just point to where there's a signature for the
21 defendant.

22 Is that your signature?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: All right. And then below that,
25 counsel, is that your signature?

Proceedings

1 MR. MIEDEL: Yes, your Honor.

2 THE COURT: And for the United States, is that
3 your signature?

4 MR. MCDONALD: Yes, your Honor.

5 THE COURT: Okay. All right.

6 So Mr. Hudson, do you give your consent
7 voluntarily and of your own free will to proceed here
8 before me today?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And has anyone made any threats or
11 promises to you to get you to agree to proceed before me?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: All right. So I believe that Mr.
14 Hudson has knowingly and voluntarily going ahead with the
15 change of plea hearing before me, so I am going to sign
16 the bottom of the consent form.

17 All right. So, Mr. Hudson, before we proceed
18 further with this plea hearing, I'm going to have to ask
19 you a number of questions in order to assure myself, and
20 in turn, Judge Cogan, that your plea is, in fact, a valid
21 plea. So if you don't understand something I say as we
22 go along, please let me know. If it's a question, I'll
23 try to reword the question. If it's an explanation, I'll
24 try to clarify it. I want everything here to be as clear
25 as possible.

Proceedings

1 Do you understand that you have the right to be
2 represented by an attorney at trial and at every other
3 stage of the criminal proceeding, including this one?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And do you understand that if you
6 can't afford an attorney, the Court may appoint counsel
7 for you?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And counsel, are you appointed?

10 MR. MIEDEL: Yes.

11 THE COURT: All right. So if at any time along
12 the way you would like to speak with your attorney, let
13 me know, and I will let you do so.

14 Do you understand?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: All right. So Mr. Hudson, you
17 swore to tell the truth earlier when Ms. Quinlan
18 administered the oath to you. So that means for you, if
19 you answer any of my questions falsely, those answers may
20 later be used against you in a separate prosecution for
21 the crime of perjury or of making a false statement.

22 Do you understand?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: I'm going to ask you some
25 background questions.

Proceedings

1 What's your full name?

2 THE DEFENDANT: Jahmeek Latif Hudson.

3 THE COURT: And how old are you?

4 THE DEFENDANT: 35.

5 THE COURT: And what's the highest level of
6 education that you achieved?

7 THE DEFENDANT: Tenth grade.

8 THE COURT: And where did you go to school?

9 THE DEFENDANT: Lehman High School.

10 THE COURT: And did you graduate?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: And have you gotten a GED?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: And after tenth grade, have you had
15 any formal education?

16 THE DEFENDANT: Yeah, I went to GED school.

17 THE COURT: Okay. How long did you go for GED
18 classes?

19 THE DEFENDANT: Probably like a few months.

20 THE COURT: Okay. And besides those post-tenth
21 grade GED classes, have you had any other formal
22 education?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Okay. Have you recently been under
25 the care of a medical provider, such as a doctor, a

Proceedings

1 physician's assistant, something like that?

2 THE DEFENDANT: Yeah, I had a doctor.

3 THE COURT: Okay. So what are you recent
4 medical treatments?

5 THE DEFENDANT: I had surgery on my leg. I got
6 shot in my leg, and I had two surgeries.

7 THE COURT: Okay. When did the surgeries
8 happen?

9 THE DEFENDANT: September 15th, 2018.

10 THE COURT: Okay. And that was one surgery?
11 How about the second surgery?

12 THE DEFENDANT: It was September 26th, 2018.

13 THE COURT: Okay. Did you have any follow-up
14 treatment from -- after those surgeries?

15 THE DEFENDANT: Yeah, I was going like once
16 every two weeks, I guess.

17 THE COURT: For how long?

18 THE DEFENDANT: Until I got incarcerated this
19 time.

20 THE COURT: So how long was that?

21 THE DEFENDANT: Until -- I came in May, so --

22 THE COURT: May -- I have May 8th.

23 THE DEFENDANT: May 9th maybe.

24 THE COURT: So the first appearance I have is
25 May 10th. Is that right?

Proceedings

1 THE DEFENDANT: All right, but --

2 THE COURT: Okay.

3 THE DEFENDANT: -- I got locked up May 9th, so
4 maybe a week before that.

5 THE COURT: And what were you doing with the
6 doctor with regard to the post-surgical care?

7 THE DEFENDANT: Therapy.

8 THE COURT: And since you were incarcerated,
9 have you received any physical therapy?

10 THE DEFENDANT: Not physical therapy but I see
11 a doctor here and there.

12 THE COURT: Okay. All right. So just going
13 back to the surgery, besides the physical therapy that
14 you had from September through May, did you have any
15 other post-surgical treatment with regard to your knee or
16 leg injury?

17 THE DEFENDANT: No, besides doctor's
18 appointments, no.

19 THE COURT: Okay. Since you've been
20 incarcerated what, if any, medical treatment have you
21 received?

22 THE DEFENDANT: You know, they give you a full,
23 you know, medical besides a EKG, and dental, not really
24 nothing else.

25 THE COURT: Okay. Were you diagnosed with any

Proceedings

1 medical conditions when you entered the facility or
2 thereafter?

3 THE DEFENDANT: No, besides the medical with my
4 law, there's nothing -- nothing else.

5 THE COURT: Okay. In connection with the post-
6 surgical care, were you taking any medications?

7 THE DEFENDANT: They had me on Naproxen.

8 THE COURT: And when did you stop taking the
9 Naproxen, if you did take it?

10 THE DEFENDANT: I still take it for the pain.
11 I still got it.

12 THE COURT: You still take it?

13 THE DEFENDANT: Yes.

14 THE COURT: How often do you take it?

15 THE DEFENDANT: Anytime my leg hurt, anytime
16 I'm in pain.

17 THE COURT: All right. How are you doing this
18 week?

19 THE DEFENDANT: I'm fine.

20 THE COURT: All right. Have you taken Naproxen
21 this week?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Do you need it?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Okay. All right. Besides the leg

Proceedings

1 injury, in the past year, have you received treatment for
2 any other medical condition?

3 THE DEFENDANT: I had a blood clot on my heart.
4 I was taking blood thinners.

5 THE COURT: Okay. When were you diagnosed with
6 the clot?

7 THE DEFENDANT: That was on February --
8 February last year.

9 THE COURT: '18 or '19?

10 THE DEFENDANT: '18, February -- yeah.

11 THE COURT: Okay. Do you still take the blood
12 thinner?

13 THE DEFENDANT: No, it -- it drained it out. I
14 don't have it no more.

15 THE COURT: Okay. So the -- is it correct that
16 the blood clot condition has resolved?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right. Besides the surgeries,
19 and the blood clot, in the past year, have you had any
20 other medical conditions?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: All right. Are you on any other
23 medicine besides the occasional Naproxen?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: All right. Related but different

Proceedings

1 question, are you presently or have you been recently
2 under the care of any mental health professional, such as
3 a psychiatrist or a psychologist?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Have you ever been diagnosed with
6 any mental illness?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Have you ever been hospitalized for
9 a mental illness?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Have you ever been hospitalized or
12 treated for any addiction to drugs or alcohol?

13 THE DEFENDANT: I -- I was in a -- a -- a drug
14 program, if that's what you mean.

15 THE COURT: Um-hum.

16 THE DEFENDANT: Yeah.

17 THE COURT: When was that?

18 THE DEFENDANT: That was last year. Parole put
19 me in a drug program.

20 THE COURT: About when did they put you in the
21 program?

22 THE DEFENDANT: No, but that was 2017.

23 THE COURT: 2017?

24 THE DEFENDANT: Yes.

25 THE COURT: Did you finish the program?

Proceedings

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay. Was that inpatient?

3 THE DEFENDANT: Outpatient.

4 THE COURT: And how long were you in the
5 program for?

6 THE DEFENDANT: For about six months.

7 THE COURT: Okay. And that was for a drug
8 addiction?

9 THE DEFENDANT: Marijuana.

10 THE COURT: Okay. Have you ever had any
11 addiction to alcohol?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Have you ever had any other -- any
14 addiction to any drug other than marijuana?

15 THE DEFENDANT: No, ma'am.

16 THE COURT: All right. In the past 48 hours,
17 have you consumed any drugs?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: In the past 48 hours, have you
20 consumed any alcohol?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: In the past 48 hours, have you
23 taken any medications?

24 THE DEFENDANT: Besides -- no, ma'am.

25 THE COURT: Did you take Naproxen?

Proceedings

1 THE DEFENDANT: Naproxen, no, I didn't.

2 THE COURT: No, okay. All right. So as you
3 sit here today, is your mind clear?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And you understand these
6 proceedings, is that correct?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Is there any medical or mental
9 health reason that would interfere with your ability to
10 understand these proceedings here today?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: And how is your leg feeling today?

13 THE DEFENDANT: It's fine.

14 THE COURT: Okay. I'm going to ask your lawyer
15 a couple of questions.

16 Counsel, have you discussed this matter with
17 Mr. Hudson?

18 MR. MIEDEL: Yes, I have.

19 THE COURT: Have you had any difficulty
20 communicating with him?

21 MR. MIEDEL: No.

22 THE COURT: In your opinion, is he capable of
23 understanding these proceedings?

24 MR. MIEDEL: Yes.

25 THE COURT: And in your opinion, does he

Proceedings

1 understand the rights he'll be waiving if he decides to
2 go ahead with his guilty plea?

3 MR. MIEDEL: Yes.

4 THE COURT: And do you have any doubt as to his
5 competence to plead at this time?

6 MR. MIEDEL: No.

7 THE COURT: And do you believe -- well, did you
8 have an opportunity to explain to him the operation of
9 the sentencing guidelines?

10 MR. MIEDEL: Yes, I did.

11 THE COURT: And do you believe he understands
12 the operation of the sentencing guidelines?

13 MR. MIEDEL: I do.

14 THE COURT: Okay.

15 All right. Mr. Hudson, did you have a
16 sufficient opportunity to review this case with your
17 attorney?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And did you have any difficulty
20 communicating with him?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: And are fully you satisfied with
23 the legal representation and advice provided to you by
24 your attorney in this case?

25 THE DEFENDANT: Yes, ma'am.

Proceedings

1 THE COURT: Did you receive a copy of the
2 document that we call the indictment?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: All right. Did you read it?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you understand it?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Did you have a full opportunity to
9 review it with your attorney?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Counsel, do you want me to read the
12 indictment aloud?

13 MR. MIEDEL: No, your Honor.

14 THE COURT: Okay. So I am going to explain
15 some aspects of a criminal proceeding. The first and
16 most important thing you should understand, Mr. Hudson,
17 is that you do not have to plead guilty, even if you are
18 guilty.

19 Under the American legal system, the government
20 or the prosecution has the burden of proving the guilt of
21 a defendant beyond a reasonable doubt. If the
22 prosecution fails to do this, or if it cannot meet its
23 burden of proof, at trial, the jury has the duty to find
24 the defendant not guilty even if the defendant is, in
25 fact, guilty.

Proceedings

1 Do you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: So for you, you have a choice.

4 It's up to you. It's not your lawyer's choice. It's not
5 your family's choice. It's completely your choice what
6 to do in this case.

7 You may withdraw your previously entered plea
8 of not guilty and plead guilty as I'm told you wish to do
9 or you can choose to go to trial.

10 If you would like to go to trial, when I ask
11 you what your plea is, you would persist in your plea of
12 not guilty. If you do that, you'll make the United
13 States meet its burden of proving you guilty beyond a
14 reasonable doubt, and were the government to fail in that
15 effort, the jury would have the obligation to find you
16 not guilty.

17 Do you understand?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: If you plead not guilty, under the
20 Constitution and the laws of the United States, you are
21 entitled to a speedy and public trial by jury with the
22 assistance of an attorney on the charge contained in the
23 indictment which has been filed with the Court.

24 Do you understand?

25 THE DEFENDANT: Yes, ma'am.

Proceedings

1 THE COURT: At trial, you would be presumed
2 innocent. You wouldn't have to prove your innocence. It
3 would be solely the -- it would be -- sorry -- the
4 government's burden to overcome that presumption and
5 prove you guilty by competent evidence and beyond a
6 reasonable doubt.

7 Do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: So were the government failed to
10 meet its burden, as I said earlier, the jury would have
11 the duty to find you not guilty.

12 Do you understand?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: If you plead guilty, you're giving
15 up your right to have the government satisfy its burden
16 of proving you guilty beyond a reasonable doubt.
17 Instead, you'll be admitting your guilt.

18 Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Were you were to go to trial,
21 witnesses for the government would have to come to court
22 and testify in your presence. Your attorney would have
23 the right to cross-examine those witnesses for the
24 government, your attorney could object to the evidence
25 offered by the government, your attorney could offer

Proceedings

1 witnesses and other evidence on your behalf. Your
2 attorney would have the right to compel or subpoena
3 witnesses to come and testify.

4 Do you understand?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: By pleading guilty, and if I
7 recommend to the district judge that he accept your plea,
8 and that's what Judge Cogan does, you're giving up these
9 rights. You're giving up your right to confront the
10 witness who would testify against you. You're giving up
11 your right to raise evidence -- to offer evidence on your
12 own behalf, to compel witnesses to come to court to
13 testify, and to raise any defenses that you may have.

14 Do you understand?

15 THE DEFENDANT: Yes, ma'am

16 THE COURT: Were there to be a trial in your
17 case, you would have the right to testify on your own
18 behalf if you wanted to do so, but no one could make you
19 testify. Under the Constitution of the United States, a
20 defendant in a criminal case cannot be forced to take the
21 witness stand at his or her own trial, and say anything
22 that could be used against him to show that he is guilty
23 of the crime or crimes with which he is charged.

24 So, if you decided not to testify at your
25 trial, the judge would instruct the jury that the jurors

Proceedings

1 could not hold that fact against you.

2 Do you understand?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: This is sometimes called the right
5 against self-incrimination. It's also known as taking
6 the Fifth.

7 Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: So if you plead guilty, you're
10 admitting your guilt, and in admitting your guilt, you're
11 giving up your right against self-incrimination.

12 Do you understand?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: If you plead guilty, I'm going to
15 have to ask you questions about what you did in order to
16 satisfy myself, and in turn, Judge Cogan that you, in
17 fact, are guilty of each of the charges to which you
18 plead guilty.

19 You are going to have to answer my questions
20 truthfully and acknowledge your guilt. You'll be
21 answering those questions subject to the oath that Ms.
22 Quinlan administered to you earlier.

23 Do you understand?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: So it's not going to be enough

Proceedings

1 simply for you to say the words guilty, you're going to
2 have to tell me what it is that you did as to each of the
3 charges to show -- each of the charges to which you are
4 pleading guilty, that you are, in fact, guilty.

5 Do you understand?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: If you plead guilty and I recommend
8 to Judge Cogan that he accept your plea and that's what
9 he does, you'll be giving up your constitutional rights
10 to a trial, and all of the other rights that I have just
11 discussed. There will not be a trial in your case. If
12 Judge Cogan accepts your plea of guilty, he will simply
13 enter a judgment of guilty on the basis of your plea.

14 Do you understand?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: If after you are sentenced, you or
17 your attorney thinks the Court has not properly followed
18 the law in sentencing you, you can appeal your sentence
19 to a higher court. But by pleading guilty, you will not
20 except under very limited circumstances, be able to
21 challenge the judgment of conviction either directly by
22 appeal or indirectly by what we call a collateral attack.

23 Do you understand?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. Are you willing to give

Proceedings

1 up your right to a trial, and the other rights that I
2 just discussed?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: All right. This is the stage where
5 I usually go over where there is a plea agreement, so my
6 understanding is there's no plea agreement; is that
7 right?

8 MR. MCDONALD: That's correct.

9 THE COURT: Were any plea offers made by the
10 government?

11 MR. MCDONALD: There were, your Honor.

12 THE COURT: And counsel for the defendant, were
13 all of those plea offers communicated to your client?

14 MR. MIEDEL: Yes, I mean the government offered
15 a plea to the charge, and made a recommendation on the
16 guidelines, and that was the plea that was communicated
17 to the -- to Mr. Hudson.

18 THE COURT: Is there any other --

19 MR. MCDONALD: There was one --

20 THE COURT: -- offer? That's the only --

21 MR. MCDONALD: -- there was one plea offer
22 made, which he's described, your Honor.

23 THE COURT: All right. And is it correct to
24 assume that your client wants to proceed in the way that
25 we're doing today, rather than accept that arrangement

Proceedings

1 with the government?

2 MR. MIEDEL: Yes.

3 THE COURT: Is that correct?

4 MR. MIEDEL: Yes.

5 THE COURT: Okay. And counsel, did you have
6 full opportunity to discuss the ramifications of that
7 choice with your client?

8 MR. MIEDEL: Yes.

9 THE COURT: All right. And Mr. Hudson, did you
10 have a full and fair opportunity to consider the offer
11 made by the government?

12 THE DEFENDANT: Yes, yes, ma'am.

13 THE COURT: All right. And did you have a full
14 and fair opportunity to discuss it with your attorney?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And did you fully understand the
17 government's offer?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And it is your decision to not
20 accept that offer.

21 Is that correct?

22 THE DEFENDANT: Yeah, I don't want that.

23 THE COURT: Okay. All right. So we're going
24 to go over the sentencing scheme which is outlined in the
25 document called the plea penalty sheet, which we referred

Proceedings

1 to earlier.

2 All right. So what's been proposed is that Mr.
3 Hudson is going to plead guilty to two counts in the
4 indictment; witness tampering, and conspiracy to tamper
5 with a witness. So Count 1 is the conspiracy to tamper
6 with a witness, and Count 2 is tampering with a witness.

7 The first count, conspiracy to tamper with a
8 witness is in violation of a federal statute which is
9 referred to as 18 USC Sections 1512(b)(1), and
10 1512(b)(2)(A).

11 And Count 2, tampering with a witness is in
12 violation of a federal statute, that's referred to as 18
13 USC which is United States Code, Sections 1512(b)(1), and
14 1512(b)(2)(A)(ii) and there's also a reference to 3551.
15 All right. Just so we're clear about what the counts
16 are.

17 So going back to the plea penalty sheet,
18 because the penalties are the same for each count, I am
19 going to talk about them together but there are two
20 separate counts here. If that's not clear, you should
21 let me know.

22 The statutory penalties for each of these two
23 counts is the maximum term of imprisonment is 20 years.
24 The minimum term of imprisonment is zero years.

25 Do you understand?

Proceedings

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: The maximum supervised release term
3 is three years. It would follow any term of
4 imprisonment. Were you to violate a condition of
5 supervised release, you may then be sentenced for up to
6 two years, which would include no credit for pre-release
7 imprisonment or time previously served on post-release
8 supervision.

9 Do you understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: The maximum fine that can be imposed
12 is \$250,000.

13 Do you understand that?

14 THE DEFENDANT: Yes, ,ma'am.

15 THE COURT: There's no restitution provision
16 but you will be charged a \$100 special assessment per
17 count.

18 Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Okay. The next part is as
21 important as what I just went over. The sentence imposed
22 on Count 1 may run consecutively to the sentence imposed
23 on Count 2. So it may be that there is a sentence for
24 one count, and when that's finished, the next sentence
25 picks up. So --

Proceedings

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: -- they need not run concurrently.

3 Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay. Just a few other details
6 with regard to this. With regard to supervised release,
7 while on supervised release, there may be many
8 restrictions placed on your liberty. Those restrictions
9 may include travel limitations, the requirement that you
10 report regularly to a probation officer, a prohibition on
11 carrying weapons, including guns, and other limitations.

12 Do you understand that?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. Do you understand there
15 is no parole in the federal system, so that if you were
16 sentenced to a prison term, you would not be released on
17 parole, and you will be required to spend the entire
18 period of that term in prison.

19 Do you understand?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: All right. So you mentioned
22 earlier you had state parole. The federal system is
23 different. Do you understand that there is that
24 difference?

25 THE DEFENDANT: Yes, ma'am.

Proceedings

1 THE COURT: All right. So let me ask your
2 attorney, is your client a citizen of the United States?

3 MR. MIEDEL: Yes.

4 THE COURT: Is he born in the United States?

5 MR. MIEDEL: Yes.

6 THE COURT: All right. I raise that issue
7 because if you were not a United States citizen, or there
8 were any question as to your citizenship, it could raise
9 a question as to whether conviction in this case would
10 lead to your removal or deportation from the United
11 States.

12 All right. Counsel, is there any need to go
13 over the immigration question in any more detail?

14 MR. MIEDEL: No.

15 THE COURT: Okay. All right. Let's talk about
16 the sentencing process. The sentencing judge, which in
17 your case is going -- or who in your case is going to be
18 Judge Cogan, does not have complete discretion to impose
19 a sentence outside of the statutory minimum and maximum
20 sentences set forth in the statute. And we just went
21 over what those are.

22 So do you understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: All right. It's a multi-step
25 process to decide what a sentence should be. The first

Proceedings

1 step is that the judge will consider what we call the
2 advisory sentencing guidelines. Those are guidelines
3 that have been issued by the United States Sentencing
4 Commission. Their purpose is to help a judge determine
5 what is a reasonable sentence in a criminal case.

6 The second step in the judge's process, and in
7 determining the sentence is to consider whether there are
8 any factors present that would allow the sentencing judge
9 to depart from those guidelines. A judge can depart
10 upwardly or downwardly.

11 Third, the judge has to consider factors that
12 are set forth in a particular federal statute, that's 18
13 United States Code, Section 3553(a). The judge takes
14 those factors and compares them, and considers them
15 against all of the facts and circumstances of your case.
16 After doing all of that analysis, it may be that the
17 judge decides to impose what we would call a non-
18 guideline sentence, which would be something from what
19 the sentencing guidelines recommend as a sentence, or
20 advise as a sentence in your case.

21 The practical import you is that until the date
22 of sentence, when a judge has gone through this process,
23 has received and read a pre-sentence report that will be
24 prepared about you, and hears from you, your lawyer, and
25 the government, you cannot know with certainty what the

Proceedings

1 sentencing guidelines will be for your case, or whether
2 will be grounds for the judge to depart from those
3 guidelines, whether it's upwardly or downwardly, and
4 whether the judge will impose a guideline sentence or a
5 non-guidelines sentence.

6 So you can't know what your sentence is going
7 to be until the actual date of sentencing.

8 Do you understand?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: All right. Despite the lack of
11 certainty, I am going to ask the lawyers to give their
12 best estimate as to what the guidelines are likely to
13 say. You should note that this estimate is based upon
14 the facts that are available to them at this point in
15 time. It may be that they learn things between now and
16 the date of sentencing. It may be that circumstances
17 change between now and the date of sentencing.

18 So at best, this is an estimate, and it's
19 really based on what they know now. And as I said, that
20 could change.

21 So for the government, I'm going to ask you to
22 give the estimate. I understand that your estimate is
23 outlined on the second page of the plea penalty sheet.

24 Is that correct?

25 MR. MCDONALD: It is, your Honor.

Proceedings

1 THE COURT: All right. So if you could for the
2 record, just state what you believe the guidelines
3 estimate is for this case.

4 MR. MCDONALD: The estimated guidelines are
5 from the government's analysis, are 57 to 71 months,
6 assuming the defendant falls within criminal history
7 category four. There's again, some possibility of maybe
8 slightly below 57 to 71 months, if the government makes a
9 third point motion at the time of sentencing, which is
10 not included here, as part of the calculation. So our
11 current estimate is 57 to 71 months.

12 THE COURT: Okay. So Mr. Hudson, do you
13 understand what the government's position is to what your
14 sentencing guidelines are likely to be for this case?

15 THE DEFENDANT: Yeah, yeah, I guess. Yeah.

16 THE COURT: Do you need the government to say
17 any more? Do you need to --

18 THE DEFENDANT: No, I don't -- that's -- that's
19 ridiculous.

20 THE COURT: Okay. So it's not -- right now,
21 it's not a conversation of what it should be. This is
22 just to make sure you understand what the government's
23 current estimate is as to what the sentencing guidelines
24 may say based on the information available to them.

25 THE DEFENDANT: Yeah, I understand.

Proceedings

1 THE COURT: All right. So did you read the
2 back of this second page of the plea penalty sheet, which
3 outlines what the government's position is?

4 MR. MIEDEL: Your Honor, I think Mr. Hudson
5 read the or we talked -- certainly talked about the plea
6 offer, which contained a similar analysis. We just
7 received this today, so he hasn't read this actual
8 document but we've discussed it at length.

9 THE COURT: Okay. Is there anything different
10 here that you need to have time to review with Mr.
11 Hudson?

12 MR. MIEDEL: No.

13 THE COURT: All right. So defendant's counsel,
14 what's your estimate as to what the sentencing guidelines
15 are likely to be?

16 MR. MIEDEL: Well, your Honor, let me put it
17 this way. The guidelines calculation in this case is
18 somewhat complicated. And we do not, at this point,
19 agree with the government's calculation, believe it to be
20 lower. What the precise guidelines calculation is, given
21 all the factors, I cannot tell you at this moment, but we
22 believe that it will -- that ultimately, that the
23 guidelines range will be lower.

24 THE COURT: Okay. So for you, Mr. Hudson, if
25 you decide to continue with the process that we have

Proceedings

1 started now, and that you do decide to enter a guilty
2 plea which is totally up to you, you're not going to know
3 what your sentence is, and it's for the reasons that I
4 described earlier, which is which is that it's a multi-
5 stepped process that the judge needs to go through, based
6 on all of the information being presented to him, and
7 that information, some of it is known to the government
8 now, some of which your attorney's presumably developing,
9 but much of which will be included in the pre-sentence
10 report, which is what the written report the judge will
11 receive about you, but you know that doesn't exist yet.

12 So based on your -- the government's take on
13 the facts of the case, and the circumstances, they
14 believe there will be a certain guidelines, your attorney
15 just articulated that this is a complicated calculation
16 and he's going to advocate on your behalf for a different
17 sentence, that the sentencing guidelines should be lower,
18 and then that the sentence should be lower.

19 All of that will be developed over time between
20 -- if you decide to enter your plea of guilty, and the
21 date of sentencing, but what's really important for you
22 to consider is you can't know what their respective
23 positions are going to be at the date of sentencing, and
24 what they'll be able to present to the judge, and you
25 can't know what Judge Cogan is going to do.

Proceedings

1 So if you decide to go ahead with this plea,
2 you are making that decision based on strong degree of
3 uncertainty as to what your sentence is going to be, or
4 even likely to be.

5 So do you understand that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. Despite all of that
8 uncertainty, do you still want to proceed with our
9 proceeding today?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. So do you understand
12 that the estimates that were given here today by your
13 attorney, and -- well, your attorney -- let me say that
14 differently.

15 Do you understand that the estimates given by
16 the government, and the factors that were identified by
17 your attorney as potentially altering that calculation,
18 none of that is binding on the Court?

19 THE DEFENDANT: No, say that again.

20 THE COURT: Okay. So basically, the government
21 is thinking that the sentencing guidelines at your date
22 of sentence are likely to be a certain number, which for
23 now is likely to be between 57 and 71 months, based on
24 certain assumptions, and it might be that the government
25 makes a motion to bring that down a little bit, but they

Proceedings

1 haven't made a decision on that front yet. That's one
2 side of this calculation.

3 Another part is your attorney's going to make
4 several arguments that will, if he is successful, lower
5 the sentencing guidelines, and might persuade the judge
6 to give you a lower sentence than 57 to 71 months.

7 Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. Those are, each side of the
10 case, your respective positions, and the lawyers will
11 advocate as they should, on behalf of their respective
12 clients. None of that's binding on the judge. The judge
13 has to go through the three-step process that I described
14 earlier, and come to a decision as to what the sentencing
15 guidelines are for your case, and what your sentence will
16 be.

17 So do you understand the difference --

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: -- between what the lawyers are
20 saying, and what the judge does?

21 THE DEFENDANT: Yeah, it don't matter what they
22 say. It's up to the judge.

23 THE COURT: Well, they might be persuasive to
24 the judge, so you should know that the judge is going to
25 hear their side of the advocacy, and the judge is also

Proceedings

1 going to hear your side.

2 THE DEFENDANT: Yes.

3 THE COURT: Okay?

4 THE DEFENDANT: Uh-hum.

5 THE COURT: So both sides are going to be
6 presented, and then the judge will make an independent
7 decision, taking all of that into account.

8 THE DEFENDANT: Right.

9 THE COURT: All right. So do you understand
10 that process?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Okay. All right. Do you understand
13 even if the government is wrong about what the estimate
14 of your sentencing guidelines should be, or your lawyer
15 is wrong, as to the chances of success on persuading the
16 judge one -- you know, to have a better sentence, you
17 will not be allowed to withdraw your guilty plea solely
18 because of the possibility that they'll -- one or more of
19 the lawyers is wrong about the sentencing guidelines or
20 your likely sentence.

21 Do you understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Okay. So your ultimate sentence
24 could turn out to be different from what either lawyer
25 has said here today.

Proceedings

1 Do you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Okay. So it could turn out that
4 because of other statutory sentencing factors, Judge
5 Cogan may impose a sentence even higher than the one
6 called for by the advisory sentencing guidelines.

7 If that turned out to be the case, that
8 wouldn't be a basis for you to withdraw your guilty plea
9 simply because no one could tell you in advance what your
10 sentence might be.

11 Do you understand that?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. Do you understand that if
14 you go ahead with your guilty plea and if it's accepted
15 by the district judge, that you are pleading guilty to a
16 felony offense -- to felony offenses and if the plea is
17 accepted and you are adjudged guilty, that adjudication
18 may result in the deprivation of valuable civil rights.
19 Those rights include your right to vote, hold public
20 office, serve on a jury, and possess a firearm, among
21 other rights.

22 Do you understand?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: All right. So I've gone over here
25 today many of the possible consequences to you if your

Proceedings

1 guilty plea is accepted.

2 Do you understand all of these possible
3 consequences?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Have you reviewed them with your
6 attorney?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Did you have a sufficient
9 opportunity to review them with your attorney?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. Let me ask the
12 government some questions. Is the government prepared to
13 prove at trial all of the elements of the two counts
14 against the defendant?

15 MR. MCDONALD: Yes, your Honor, we are.

16 THE COURT: And those elements are set forth in
17 the element sheet.

18 Is that correct?

19 MR. MCDONALD: They are, your Honor.

20 THE COURT: All right. I asked this question
21 earlier, but defendant's counsel, do you have any comment
22 or disagreement with anything stated in the elements
23 sheet?

24 MR. MIEDEL: I think you did, and I don't.

25 THE COURT: Okay.

Proceedings

1 THE COURT: All right. For the government,
2 what is the evidence the government would offer at trial
3 to prove the charges against the defendant?

4 MR. MCDONALD: Your Honor, the government would
5 establish the following, that at or around the time of
6 this offense, which was April of 2019, there was then at
7 that time scheduled in the Eastern District of New York,
8 a federal criminal trial against an individual known as
9 Shakeem Boykins, which was scheduled to commence on or
10 about June 10th of 2019.

11 In or about Aril of 2019, an individual known
12 as Jane Doe contacted law enforcement to report that
13 photocopies of a New York City Police Department
14 interview report concerning Jane Doe had been posted in
15 the lobbies of various buildings in the Louis H. Pink
16 Houses in Brooklyn, New York. Among other things, those
17 posters described Jane Doe as a rat, and said that she is
18 still ratting.

19 Based on this information, law enforcement
20 officers reviewed and obtained cell phone, and video
21 surveillance records from the Louis H. Pink Houses. As
22 part of their review, law enforcement officers identified
23 the defendant Jahmeek Hudson was the individual who
24 posted these posters in the Louis H. Pink Houses, and the
25 government would introduce video surveillance evidence

Proceedings

1 showing the defendant posting these posters.

2 The government would also introduce records
3 obtained from various communication services including
4 Facebook, showing communications by the defendant in
5 connection with posting these posters, including showing
6 his awareness that Jane Doe was likely to be a witness in
7 the trial against Shakeem Boykins in June of 2019.

8 The government would also show that the
9 defendant Jahmeek Hudson, worked with another individual
10 as part of posting these posters, and this would include
11 from video surveillance evidence, as well as recordings
12 sent by the defendant which would included multiple
13 voices on the recordings.

14 So this would be a summary of what the
15 government would show at trial.

16 THE COURT: All right. And just so I'm clear,
17 when you say that the government would offer evidence
18 that Mr. Hudson worked with another individual in the
19 activities related to Jane Doe. That's the evidence that
20 he agreed with that person to pursue these actions
21 against Jane Doe; is that correct?

22 MR. MCDONALD: Yes, your Honor. The individual
23 who was -- there would be two pieces to show that one,
24 the defendant posted most of the posters but the other
25 individual posted some of the additional posters, so that

Proceedings

1 would show concerted effort by the two of them to post
2 the same poster in each of the buildings.

3 In addition, the recordings indicate multiple
4 people present during the same conversations that
5 describe Jane Doe as a rat and other language to that
6 effect, and that would show agreement with respect to
7 that characterization.

8 THE COURT: Okay. All right. Counsel, do you
9 agree that government would be able to prove the
10 defendant's guilt as to the two charges in the indictment
11 based on the evidence just described by the government?

12 MR. MIEDEL: Yes, your Honor.

13 THE COURT: Do you know of any reason why Mr.
14 Hudson should not plead guilty?

15 MR. MIEDEL: No, your Honor.

16 THE COURT: Are you aware of any viable legal
17 defense to the two charges against him?

18 MR. MIEDEL: No.

19 THE COURT: In your professional opinion, is it
20 in Mr. Hudson's best interest to proceed with the plea
21 here today?

22 MR. MIEDEL: Yes, it is.

23 THE COURT: All right. So Mr. Hudson, are you
24 ready to plead?

25 THE DEFENDANT: Yes, ma'am.

Proceedings

1 THE COURT: All right. Do you need an
2 opportunity to speak with your attorney about anything?

3 THE DEFENDANT: No.

4 THE COURT: Just giving you an opportunity to
5 talk to him if you have any questions that you need
6 answered before you make the decision as to whether you
7 would like to change your plea.

8 THE DEFENDANT: No, I'm good.

9 THE COURT: No, okay.

10 THE DEFENDANT: I'm fine.

11 THE COURT: All right. So with regard to the
12 indictment, there's Count 1, which is the conspiracy to
13 tamper with a witness, how do you plead, guilty or not
14 guilty?

15 THE DEFENDANT: Guilty.

16 THE COURT: And with regard to Count 2, which
17 is tampering with a witness, how do you plead, guilty or
18 not guilty?

19 THE DEFENDANT: Guilty.

20 THE COURT: Okay. So going back to the
21 beginning of the -- sorry, the beginning of today's
22 proceeding, I said I was going to have to ask you
23 questions about what you did so that I could assure
24 myself, and in turn, the district judge, Judge Cogan,
25 that you are in fact, guilty of these two counts.

Proceedings

1 So in your own words, if you could tell me what
2 you did such that you are, in fact, guilty of the two
3 counts in the indictment, conspiracy to tamper with a
4 witness, and tampering with a witness.

5 THE DEFENDANT: So in 2019, in Brooklyn, I
6 agreed with others to try to prevent a person from
7 testifying at a federal trial. I did so by revealing her
8 name to the public by putting posters up about her, and
9 by urging people who knew her to tell her not to testify.

10 I understand that she might have felt
11 intimidated by my actions. I understand that what I did
12 was unlawful, and I apologize.

13 THE COURT: All right. for the government --
14 well, let me ask defense counsel, would you like your
15 client to add anything else to the record with regard to
16 the plea to the two counts?

17 MR. MIEDEL: No, your Honor.

18 THE COURT: For the government, is that
19 allocution satisfactory?

20 MR. MCDONALD: I believe he mentioned Brooklyn.

21 MR. MIEDEL: Yes.

22 THE COURT: Yes.

23 MR. MCDONALD: Yes, that's satisfactory, your
24 Honor.

25 THE COURT: Okay. Let me ask you a few more

Proceedings

1 questions, Mr. Hudson.

2 Are you pleading guilty to these two counts
3 voluntarily and of your own free will?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Has anyone threatened or forced you
6 to plead guilty to these two counts in the indictment?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Are you pleading guilty of your own
9 free will because you are, in fact, guilty of the two
10 counts in the indictment?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: All right. Based on the
13 information given to me here today by counsel, and by Mr.
14 Hudson, I believe he fully -- he is fully competent, and
15 capable of entering an informed plea, that he is acting
16 voluntarily, that he aware of the nature of the charges
17 against him, that he understands his rights, that he
18 understands the consequences of his change of plea to a
19 plea of guilty, and I find that there's a factual basis
20 for the plea as to each of the counts in the indictment.

21 So I therefore respectfully recommend to
22 District Judge Cogan that he accept the plea of guilty to
23 both counts in the indictment, which as we said earlier,
24 was conspiracy to tamper with a witness, and tampering
25 with a witness.

Proceedings

1 All right. Do we have a sentencing date?

2 THE CLERK: Yes, January 7th at 10:30 a.m.

3 THE COURT: So January 7th, at 10:30 -- sorry,
4 January 7th, of 2010 -- sorry, 2020, at what time?

5 THE CLERK: 10:30.

6 THE COURT: 10:30 a.m.

7 So as I mentioned earlier, Mr. Hudson, there's
8 going to be a presentence report provided or prepared
9 about you. For your attorney, would you like to
10 participate in that interview process?

11 THE DEFENDANT: My --

12 THE COURT: That question is for your lawyer.

13 MR. MIEDEL: Oh, I am so sorry. I do want to
14 be present, yes.

15 THE COURT: Okay. So we'll let probation know
16 that.

17 Is there any reason that the custodial
18 situation with regard to Mr. Hudson should change?

19 MR. MCDONALD: No, your Honor.

20 MR. MIEDEL: No, your Honor.

21 THE COURT: Okay. Is there anything else we
22 need to include on the record?

23 MR. MCDONALD: Not from the government, your
24 Honor, no.

25 MR. MIEDEL: No, your Honor. Thank you.

Proceedings

1 THE COURT: All right. Let me just ask, there
2 are some individuals in the courtroom, are they here to
3 support Mr. Hudson?

4 MR. MIEDEL: Yes, they are.

5 THE COURT: All right. So do you want to note
6 their appearance on the record, or we'll just --

7 MR. MIEDEL: I can, one is his mother, one is
8 his girlfriend.

9 THE COURT: Okay. I should actually ask one
10 question going back to the plea, it was something we
11 touched at the beginning. We didn't name the Jane Doe,
12 the person was referred to as Jane Doe. Let me -- I
13 don't know who the Jane Doe is, so let me make clear
14 questions to Mr. Hudson.

15 You spoke about Jane Doe. It's obviously not
16 her real name. We're not asking you to include her name
17 in the record but do you know who Jane Doe is?

18 THE DEFENDANT: Um-hum.

19 THE COURT: The answer is yes?

20 THE DEFENDANT: Yes, ma'am. Yes, ma'am.

21 THE COURT: Okay. So that's really the only
22 additional piece of information I wanted to add to the
23 record. All right. So let me ask again, just to make
24 sure, is there anything else we should add to the record
25 here?

Proceedings

1 MR. MCDONALD: No, your Honor, not from the
2 government.

3 THE COURT: No.

4 MR. MIEDEL: No, your Honor.

5 THE COURT: All right. Thank you very much.
6 Take care.

7 MR. MCDONALD: Thank you, your Honor.

8 THE COURT: Take care, bye.

9 (Matter concluded)

10 -o0o-

11 (Matter concluded)

12 -o0o-

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 11th day of November, 2019.


Linda Ferrara

CET**D 656
Transcriptions Plus II, Inc.